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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/800,641

03/16/2004

Haruo Akiba

250385US3

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08/04/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
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ALEXANDRIA, VA 22314

EXAMINER

KASZTEJNA, MATTHEW JOHN

ART UNIT

PAPER NUMBER

3739

NOTIFICATION DATE

DELIVERY MODE

08/04/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/800,641	<b>Applicant(s)</b> AKIBA, HARUO	
	<b>Examiner</b> MATTHEW J. KASZTEJNA	<b>Art Unit</b> 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/2/8</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 2, 2008 has been entered.

### ***Notice of Amendment***

In response to the amendment filed on April 29, 2008, amended claims 1, 4-5 and 6-8 and canceled claim 3 is acknowledged. The current rejections of the claims are *withdrawn*. The following new grounds of rejection are set forth:

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the line" in line 20 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Furthermore, it is unclear what is meant by the limitation "the second conduit being guided along the line at an inclined angle with respect to the universal cable".

The second fluid conduit is the to be provided internally of the universal cable (line 10 of claim). Thus, it is unclear how the second conduit can be both along a line that is at an inclined angle with respect to the universal cable *and* also provided internally of the universal cable?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,871,441 to Ishiguro et al.

**In regard to claim 1**, Ishiguro et al. discloses an endoscopic fluid supply conduit system suitable for use in an endoscope which comprises: a manipulating head assembly 5; an insertion tube 4 and a universal cable 6 connected at a fore end of the manipulating head assembly (see Fig. 2), the universal cable being connected to and extending downwardly from the manipulating head assembly (see Fig. 3), a first fluid conduit 83 (also referred to as 29 in Fig. 3) extended from the manipulating head assembly and through the insertion tube toward an injection port 34 provided on a rigid tip end section at a fore distal end of the insertion tube (see Col. 4, Lines 46-47); a second fluid conduit 82 (also referred to as 31 in Fig. 3) provided internally of the universal cable and communicable with the first fluid conduit within the manipulating head assembly (see Col 4, Lines 50-58); a fluid feed port 87 formed at the proximal side

of the manipulating head assembly (see Col. 8, Lines 40-42) and a mouth piece 81 fixedly fitted in the fluid feed port (see Fig. 1 and Col. 8, Lines 42-49), the fluid feed port having an axial receptacle bore 59, 61 (see Fig. 1 and Col. 6, Lines 42-48), a first connection port 94 formed at an inner axial end of the mouth piece for connecting the first fluid conduit 83 in communication with the receptacle bore 61 and a second connection port 93/101 provided at one side of the mouth piece 81 for connecting the second fluid conduit 82 in communication with the receptacle bore 61 (see Fig. 1 and Col. 8, Lines 55-60); the first fluid conduit being extended linearly from the axial receptacle bore toward the insertion tube, and the second conduit being guided along a line at an inclined angle (see Figs. 1 and 21-23); a fluid supply adaptor 51 having a fluid supply passage 59 and being adapted to be inserted into the mouth piece to block a fluid flow (via wall member 138) from the second fluid conduit to the first fluid conduit and to feed a fluid from the fluid supply passage to the first fluid conduit 83 (see Fig. 21 and Col. 10, Lines 40-50); and a plug member 40, 51 fitted in an outer open end of the receptacle bore of the mouth piece in place of the fluid supply adapter to bring the second connection port 101 into communication with the first connection port through the receptacle bore (see Fig. 23 and Col. 11, Lines 23-35).

**In regard to claim 2,** Ishiguro et al. discloses an endoscopic fluid supply conduit system, wherein the fluid feed port 87 on the manipulating head assembly 5 is provided on a side away from the side to which the insertion tube is connected (see Figs. 2-3). The fluid feed port is provided within the channel switching device 1, which as seen in

figure 2 is located on a side away from the side to which the insertion tube 3 is connected.

**In regard to claim 4**, Ishiguro et al. discloses an endoscopic fluid supply conduit system, wherein the mouth piece 81 is arranged in such a way as to disconnectibly receive the fluid supply adaptor 51 in the receptacle bore, and is communicated with the first fluid conduit 83 at an inner axial end 94 and with the second fluid conduit 82 at a halfway position in the axial direction (see Col. 10, Lines 40-51). The cap 40 is used to move piston 51 upward and downward, thus the mouthpiece 81 receives the fluid supply adaptor (i.e. piston 51) in a “disconnectibly” manner. Furthermore, the second communication port 101 is located at a halfway position in the axial direction as seen in Figs 21-23.

**In regard to claim 8**, Ishiguro et al. discloses an endoscopic fluid supply conduit system, further comprising a lid member 40 detachably attachable to the fluid supply adaptor 51 to close an outer open end of the latter (see Fig. 1 and Col. 5, Lines 44-48).

#### ***Allowable Subject Matter***

Claims 5-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2 and 4-8 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. KASZTEJNA whose telephone number is (571)272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. J. K./  
Examiner, Art Unit 3739

7/30/8

Application/Control Number: 10/800,641  
Art Unit: 3739

Page 7